

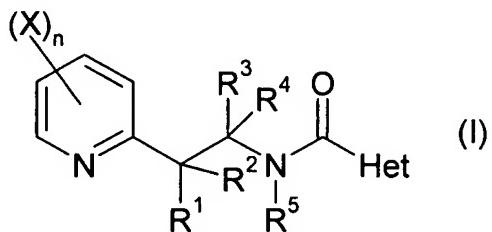
**Application Number 10/588,985**  
**Amendment dated August 31, 2009**  
**Response to Office Action dated June 30, 2009**

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application.

**Listing of Claims:**

1. (Currently Amended) A compound of general formula (I):



in which:

n is 1, 2, 3 or 4;

each X is the same or different and is independently selected from the group consisting of  
a halogen atom, a nitro group, a cyano group, a hydroxy group, an amino group, a sulfanyl group, a pentafluoro-λ<sup>6</sup>-sulfanyl group, a formyl group, a formyloxy group, a formylamino group, a carboxy group, a carbamoyl group, a N-hydroxycarbamoyl group, a carbamate group, a (hydroxyimino)-C<sub>1</sub>-C<sub>6</sub>-alkyl group, a C<sub>1</sub>-C<sub>8</sub>-alkyl, a C<sub>2</sub>-C<sub>8</sub>-alkenyl, a C<sub>2</sub>-C<sub>8</sub>-alkynyl, a C<sub>1</sub>-C<sub>8</sub>-alkylamino, a di-C<sub>1</sub>-C<sub>8</sub>-alkylamino, a C<sub>1</sub>-C<sub>8</sub>-alkoxy, a C<sub>1</sub>-C<sub>8</sub>-halogenoalkoxy having 1 to 5 halogen atoms, a C<sub>1</sub>-C<sub>8</sub>-alkylsulfanyl, a C<sub>1</sub>-C<sub>8</sub>-halogenoalkylsulfanyl having 1 to 5 halogen atoms, a C<sub>2</sub>-C<sub>8</sub>-alkenyloxy, a C<sub>2</sub>-C<sub>8</sub>-halogenoalkenyloxy having 1 to 5 halogen atoms, a C<sub>3</sub>-C<sub>8</sub>-alkynyloxy, a C<sub>3</sub>-C<sub>8</sub>-halogenoalkynyloxy having 1 to 5 halogen atoms, a C<sub>3</sub>-C<sub>8</sub>-cycloalkyl,

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a C<sub>3</sub>-C<sub>8</sub>-halogenocycloalkyl having 1 to 5 halogen atoms, a C<sub>1</sub>-C<sub>8</sub>-alkylcarbonyl, a C<sub>1</sub>-C<sub>8</sub>-halogenoalkylcarbonyl having 1 to 5 halogen atoms, a C<sub>1</sub>-C<sub>8</sub>-alkylcarbamoyl, a di-C<sub>1</sub>-C<sub>8</sub>-alkylcarbamoyl, a N-C<sub>1</sub>-C<sub>8</sub>-alkyloxycarbamoyl, a C<sub>1</sub>-C<sub>8</sub>-alkoxycarbamoyl, a N-C<sub>1</sub>-C<sub>8</sub>-alkyl-C<sub>1</sub>-C<sub>8</sub>-alkoxycarbamoyl, a C<sub>1</sub>-C<sub>8</sub>-alkoxycarbonyl, a C<sub>1</sub>-C<sub>8</sub>-halogenoalkoxycarbonyl having 1 to 5 halogen atoms, a C<sub>1</sub>-C<sub>8</sub>-alkylcarbonyloxy, a C<sub>1</sub>-C<sub>8</sub>-halogenoalkylcarbonyloxy having 1 to 5 halogen atoms, a C<sub>1</sub>-C<sub>8</sub>-alkylcarbonylamino, a C<sub>1</sub>-C<sub>8</sub>-halogenoalkylcarbonylamino having 1 to 5 halogen atoms, a C<sub>1</sub>-C<sub>8</sub>-alkylaminocarbonyloxy, a di-C<sub>1</sub>-C<sub>8</sub>-alkylaminocarbonyloxy, a C<sub>1</sub>-C<sub>8</sub>-alkyloxycarbonyloxy, a C<sub>1</sub>-C<sub>8</sub>-alkylsulphenyl, a C<sub>1</sub>-C<sub>8</sub>-halogenoalkylsulphenyl having 1 to 5 halogen atoms, a C<sub>1</sub>-C<sub>8</sub>-alkylsulphanyl, a C<sub>1</sub>-C<sub>8</sub>-halogenoalkylsulphanyl having 1 to 5 halogen atoms, a C<sub>1</sub>-C<sub>8</sub>-alkylsulphonyl, a C<sub>1</sub>-C<sub>6</sub>-alkoxyimino, a (C<sub>1</sub>-C<sub>6</sub>-alkoxyimino)-C<sub>1</sub>-C<sub>6</sub>-alkyl, a (C<sub>1</sub>-C<sub>6</sub>-alkenyloxyimino)-C<sub>1</sub>-C<sub>6</sub>-alkyl, a (C<sub>1</sub>-C<sub>6</sub>-alkynyloxyimino)-C<sub>1</sub>-C<sub>6</sub>-alkyl, a (benzyloxyimino)-C<sub>1</sub>-C<sub>6</sub>-alkyl, a benzyloxy, a benzylsulfanyl, a benzylamino, a phenoxy, a phenylsulfanyl or and a phenylamino;

R<sup>1</sup>, R<sup>2</sup>, R<sup>3</sup> and R<sup>4</sup> are ~~the same or different and are~~ independently selected from the group consisting of a hydrogen atom, a halogen atom, a cyano group, a hydroxy group, an amino group, a sulfanyl group, a formyl group, a formyloxy group, a formylamino group, a carboxy group, a carbamoyl group, a N-hydroxycarbamoyl group, a carbamate group, a (hydroxyimino)-C<sub>1</sub>-C<sub>6</sub>-alkyl group, a C<sub>1</sub>-C<sub>8</sub>-alkyl, a C<sub>1</sub>-C<sub>8</sub>-halogenoalkyl having 1 to 5 halogen atoms, a C<sub>2</sub>-C<sub>8</sub>-alkenyl, a C<sub>2</sub>-C<sub>8</sub>-alkynyl, a C<sub>1</sub>-C<sub>8</sub>-alkylamino, a di-C<sub>1</sub>-C<sub>8</sub>-alkylamino, a

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C<sub>1</sub>-C<sub>8</sub>-alkoxy, a C<sub>1</sub>-C<sub>8</sub>-halogenoalkoxy having 1 to 5 halogen atoms, a C<sub>1</sub>-C<sub>8</sub>-alkylsulfanyl, a C<sub>1</sub>-C<sub>8</sub>-halogenoalkylsulfanyl having 1 to 5 halogen atoms, a C<sub>2</sub>-C<sub>8</sub>-alkenyloxy, a C<sub>2</sub>-C<sub>8</sub>-halogenoalkenyloxy having 1 to 5 halogen atoms, a C<sub>3</sub>-C<sub>8</sub>-alkynyoxy, a C<sub>3</sub>-C<sub>8</sub>-halogenoalkynyoxy having 1 to 5 halogen atoms, a C<sub>3</sub>-C<sub>8</sub>-cycloalkyl, a C<sub>3</sub>-C<sub>8</sub>-halogenocycloalkyl having 1 to 5 halogen atoms, a C<sub>1</sub>-C<sub>8</sub>-alkylcarbonyl, a C<sub>1</sub>-C<sub>8</sub>-halogenoalkylcarbonyl having 1 to 5 halogen atoms, a C<sub>1</sub>-C<sub>8</sub>-alkylcarbamoyl, a di-C<sub>1</sub>-C<sub>8</sub>-alkylcarbamoyl, a N-C<sub>1</sub>-C<sub>8</sub>-alkyloxycarbamoyl, a C<sub>1</sub>-C<sub>8</sub>-alkoxycarbamoyl, a N-C<sub>1</sub>-C<sub>8</sub>-alkyl-C<sub>1</sub>-C<sub>8</sub>-alkoxycarbamoyl, a C<sub>1</sub>-C<sub>8</sub>-alkoxycarbonyl, a C<sub>1</sub>-C<sub>8</sub>-halogenoalkoxycarbonyl having 1 to 5 halogen atoms, a C<sub>1</sub>-C<sub>8</sub>-alkylcarbonyloxy, a C<sub>1</sub>-C<sub>8</sub>-halogenoalkylcarbonyloxy having 1 to 5 halogen atoms, a C<sub>1</sub>-C<sub>8</sub>-alkylcarbonylamino, a C<sub>1</sub>-C<sub>8</sub>-halogenoalkylcarbonylamino having 1 to 5 halogen atoms, a C<sub>1</sub>-C<sub>8</sub>-alkylaminocarbonyloxy, a di-C<sub>1</sub>-C<sub>8</sub>-alkylaminocarbonyloxy, a C<sub>1</sub>-C<sub>8</sub>-alkyloxycarbonyloxy, a C<sub>1</sub>-C<sub>8</sub>-alkylsulphenyl, a C<sub>1</sub>-C<sub>8</sub>-halogenoalkylsulphenyl having 1 to 5 halogen atoms, a C<sub>1</sub>-C<sub>8</sub>-alkylsulphanyl, a C<sub>1</sub>-C<sub>8</sub>-halogenoalkylsulphanyl having 1 to 5 halogen atoms, a C<sub>1</sub>-C<sub>8</sub>-alkylsulphonyl, a C<sub>1</sub>-C<sub>8</sub>-halogenoalkylsulphonyl having 1 to 5 halogen atoms, a benzylxy, a benzylsulfanyl, a benzylamino, a phenoxy, a phenylsulfanyl or a phenylamino, a phenyl group, and a phenyl sulphanyl group;  
or R<sup>1</sup> and R<sup>2</sup> may form together a cyclopropyl, a cyclobutyl, a cyclopentyl or a cyclohexyl;

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with the proviso that when three of the four substituents R<sup>1</sup>, R<sup>2</sup>, R<sup>3</sup> and R<sup>4</sup> are a hydrogen atom, then the fourth substituent is not a hydrogen atom;

R<sup>5</sup> is selected from the group consisting of a hydrogen atom, a cyano group, a formyl group, a hydroxy group, a C<sub>1</sub>-C<sub>6</sub>-alkyl, a C<sub>1</sub>-C<sub>6</sub>-halogenoalkyl having 1 to 5 halogen atoms, a C<sub>1</sub>-C<sub>6</sub>-alkoxy, a C<sub>1</sub>-C<sub>6</sub>-halogenoalkoxy having 1 to 5 halogen atoms, a C<sub>3</sub>-C<sub>6</sub>-cycloalkyl, a C<sub>3</sub>-C<sub>6</sub>-halogenocycloalkyl having 1 to 5 halogen atoms, a C<sub>2</sub>-C<sub>6</sub>-alkenyl, a C<sub>2</sub>-C<sub>6</sub>-alkynyl, a C<sub>1</sub>-C<sub>6</sub>-alkoxy-C<sub>1</sub>-C<sub>6</sub>-alkyl, a C<sub>1</sub>-C<sub>6</sub>-cyanoalkyl, a C<sub>1</sub>-C<sub>6</sub>-aminoalkyl, a C<sub>1</sub>-C<sub>6</sub>-alkylamino-C<sub>1</sub>-C<sub>6</sub>-alkyl, a di-C<sub>1</sub>-C<sub>6</sub>-alkylamino-C<sub>1</sub>-C<sub>6</sub>-alkyl, a C<sub>1</sub>-C<sub>6</sub>-alkylcarbonyl, a C<sub>1</sub>-C<sub>6</sub>-halogenalkylcarbonyl having 1 to 5 halogen atoms, a C<sub>1</sub>-C<sub>6</sub>-alkyloxycarbonyl, a C<sub>1</sub>-C<sub>6</sub>-benzyloxycarbonyl, a C<sub>1</sub>-C<sub>6</sub>-alkoxy-C<sub>1</sub>-C<sub>6</sub>-alkylcarbonyl, a C<sub>1</sub>-C<sub>6</sub>-alkylsulfonyl or and a C<sub>1</sub>-C<sub>6</sub>-halogenoalkylsulfonyl having 1 to 5 halogen atoms;

Het represents 5-, 6- or 7-membered heterocycle with one, two or three heteroatoms which may be the same or different; Het being linked by a carbon atom and being at least substituted in ortho the position immediately adjacent to said carbon atom linkage; as well as its salts, N-oxydes and N-oxides, metallic and metalloidic complexes.

2. (Currently Amended) A The compound according to of claim 1, characterised in that wherein n is 1, 2 or 3.

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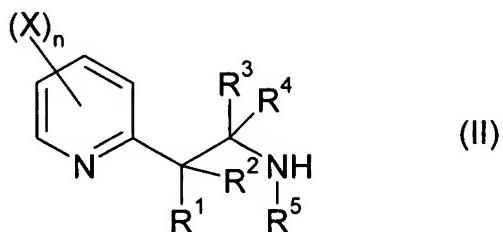
3. (Currently Amended) A The compound according to of claim 1, characterised in that  
wherein at least one of the X substituent substituents is selected from the group consisting of a halogen atom, a C<sub>1</sub>-C<sub>8</sub>-alkyl, a C<sub>1</sub>-C<sub>6</sub>-alkoxyimino, a (C<sub>1</sub>-C<sub>6</sub>-alkoxyimino)-C<sub>1</sub>-C<sub>6</sub>-alkyl, or and a C<sub>1</sub>-C<sub>6</sub>-alkoxy-C<sub>1</sub>-C<sub>6</sub>-alkylcarbonyl.
4. (Currently Amended) A The compound according to of claim 1, characterised in that  
wherein the 2-pyridyl is substituted in 3-, 5- and/or in 6-position.
5. (Currently Amended) A The compound according to of claim 1, characterised in that  
wherein R<sup>1</sup> and R<sup>2</sup> are chosen, independently of each other, as being independently selected from the group consisting of a hydrogen atom, a halogen atom, a cyano group, a hydroxy group, a C<sub>1</sub>-C<sub>6</sub>-alkyl, a C<sub>1</sub>-C<sub>6</sub>-halogenoalkyl having 1 to 5 halogen atoms, a C<sub>2</sub>-C<sub>6</sub>-alkenyl, a C<sub>1</sub>-C<sub>6</sub>-alkoxy, a C<sub>1</sub>-C<sub>6</sub>-alkylsulfanyl, a C<sub>1</sub>-C<sub>6</sub>-alkylsulfenyl, a C<sub>1</sub>-C<sub>6</sub>-alkylsulfinyl, a C<sub>1</sub>-C<sub>6</sub>-alkoxycarbonyl, a C<sub>1</sub>-C<sub>6</sub>-alkylcarbonylamino, a C<sub>1</sub>-C<sub>6</sub>-alkoxycarbonyloxy, a C<sub>1</sub>-C<sub>6</sub>-alkoxycarbonylamino or and a phenyl group.
6. (Currently Amended) A The compound according to of claim 5, characterised in that  
wherein R<sup>1</sup> and R<sup>2</sup> are chosen, independently of each other, as being independently selected from the group consisting of a halogen atom, a C<sub>1</sub>-C<sub>6</sub>-alkyl, a C<sub>1</sub>-C<sub>6</sub>-halogenoalkyl having 1 to 5 halogen atoms or and a C<sub>1</sub>-C<sub>6</sub>-alkylcarbonylamino.

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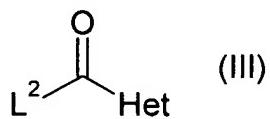
7. (Currently Amended) A The compound according to of claim 1, characterised in that  
wherein R<sup>3</sup> and R<sup>4</sup> are chosen, independently of each other, as being independently selected from  
the group consisting of a hydrogen atom, a halogen atom, a cyano group, a C<sub>1</sub>-C<sub>6</sub>-alkyl, a  
C<sub>1</sub>-C<sub>6</sub>-halogenoalkyl having 1 to 5 halogen atoms, a C<sub>1</sub>-C<sub>6</sub>-alkylcarbonylamino or and a phenyl  
group.
8. (Currently Amended) A The compound according to of claim 7, characterised in that  
wherein R<sup>3</sup> and R<sup>4</sup> are chosen, independently of each other, as being independently selected from  
the group consisting of a halogen atom, a C<sub>1</sub>-C<sub>6</sub>-alkyl, a C<sub>1</sub>-C<sub>6</sub>-halogenoalkyl having 1 to 5  
halogen atoms or and a phenyl group.
9. (Currently Amended) A The compound according to of claim 1, characterised in that  
wherein R<sup>5</sup> is selected from the group consisting of a hydrogen atom or and a C<sub>3</sub>-C<sub>7</sub>-cycloalkyl.
10. (Currently Amended) A The compound according to of claim 1, characterised in that  
wherein Het is a five membered ring heterocycle.
11. (Withdrawn - Currently Amended) A The compound according to of claim 1;  
characterised in that wherein Het is a six membered ring heterocycle.

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12. (Withdrawn - Currently Amended) A process for the preparation of a the compound of general formula (I) as defined in claim 1, which comprises comprising reacting a 2-pyridine derivative of general formula (II) or one of its salt salts:



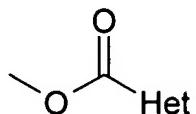
with a carboxylic acid derivative of the general formula (III)



in which:

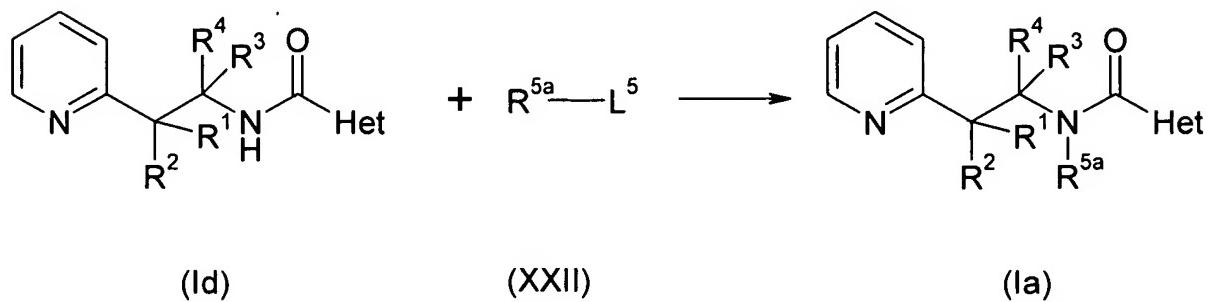
L<sup>2</sup> is a leaving group selected from the group consisting of chosen as being a halogen atom, a hydroxyl group, -OR<sup>6</sup>, -OCOR<sup>6</sup>, R<sup>6</sup> being a C<sub>1</sub>-C<sub>6</sub> alkyl, a C<sub>1</sub>-C<sub>6</sub> haloalkyl, a benzyl, 4-methoxybenzyl, pentafluorophenyl or a group of formula

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where R<sup>6</sup> is a C<sub>1</sub>-C<sub>6</sub> alkyl, in the presence of a catalyst and, if L<sup>2</sup> is a hydroxyl group, in the presence of a condensing agent.

13. (Withdrawn - Currently Amended) A The process according to of claim 12;  
characterised in that wherein R<sup>5</sup> is a hydrogen atom and that the process is completed by a  
further step according to the following reaction scheme:



wherein

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$R^{5a}$  is selected from the group consisting of a cyano group, a formyl group, a hydroxy group, a  $C_1$ - $C_6$ -alkyl, a  $C_1$ - $C_6$ -halogenoalkyl having 1 to 5 halogen atoms, a  $C_1$ - $C_6$ -alkoxy, a  $C_1$ - $C_6$ -halogenoalkoxy having 1 to 5 halogen atoms, a  $C_3$ - $C_6$ -cycloalkyl, a  $C_3$ - $C_6$ -halogenocycloalkyl having 1 to 5 halogen atoms, a  $C_2$ - $C_6$ -alkenyl, a  $C_2$ - $C_6$ -alkynyl, a  $C_1$ - $C_6$ -alkoxy- $C_1$ - $C_6$ -alkyl, a  $C_1$ - $C_6$ -cyanoalkyl, a  $C_1$ - $C_6$ -aminoalkyl, a  $C_1$ - $C_6$ -alkylamino- $C_1$ - $C_6$ -alkyl, a di- $C_1$ - $C_6$ -alkylamino- $C_1$ - $C_6$ -alkyl, a  $C_1$ - $C_6$ -alkylcarbonyl, a  $C_1$ - $C_6$ -halogenalkylcarbonyl having 1 to 5 halogen atoms, a  $C_1$ - $C_6$ -alkyloxycarbonyl, a  $C_1$ - $C_6$ -benzyloxycarbonyl, a  $C_1$ - $C_6$ -alkoxy- $C_1$ - $C_6$ -alkylcarbonyl, a  $C_1$ - $C_6$ -alkylsulfonyl or and a  $C_1$ - $C_6$ -halogenoalkylsulfonyl having 1 to 5 halogen atoms; and

$L^5$  is a leaving group chosen as being selected from the group consisting of a halogen atom, a 4-methyl phenylsulfonyloxy or and a methylsulfonyloxy; comprising the reaction of reacting a compound of general formula (Id) with a compound of general formula (XXII) to provide a compound of general formula (Ia).

14. (Previously Presented) A fungicidal composition comprising an effective amount of a compound according to claim 1 and an agriculturally acceptable support.

15. (Currently Amended) A method for preventively or curatively combating the phytopathogenic fungi of crops, characterised in that comprising applying an effective and non-phytotoxic amount of a the composition according to of claim 14 is applied to the plant

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seeds or to the plant leaves and/or to the fruits of the plants or to the soil in which the plants are growing or in which it is desired to grow them.